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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,233	05/26/2000	Richard I. Adduci JR.	10022/15	8233

7590 06/11/2002

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EXAMINER

KANOF, PEDRO R

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 06/11/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/580,233

Applicant(s)  
ADUCCI

Examiner  
KANOF

Art Unit  
2164



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 26, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Atkins (U.S. Patent no. 5,875,437) .

Claims 1 and 17: Atkins discloses a method and a system for providing a financial analysis (Col. 1, lines 21-33) for an enhanced wireless communications service, the method comprising the steps of:

accepting user-specific input on an existing wireless communications service and the enhanced wireless communication service (Col. 32, lines 29-38);

accessing a reference database including general market data applicable to the enhanced wireless communications service and a standard adoption curve for adoption of the enhanced wireless communications service (Col. 31, line 66-col. 32, line 17);

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adjusting the standard adoption curve to obtain an adjusted adoption curve based on the accepted user-specific input (Col. 49, lines 19-27); and

presenting a graphical depiction of a financial analysis based on an evaluation of the adjusted adoption curve and the general market data (Col. 49, lines 48-53).

Claims 2 and 18: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses wherein the adjusting step comprises adjusting the standard adoption curve based on a user input of a selected geographic region from a library of regions and a selected application from a library of applications of the enhanced wireless communications service (Col. 64, lines 8-20).

Claims 3 and 19: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses wherein the adjusting step comprises changing a slope from the standard adoption curve to a revised slope of an adjusted adoption curve based on the user input of a specific geographic region (Col. 64, lines 8-62).

Claims 4 and 20: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses wherein the adjusting step comprises changing a saturation point from the standard adoption curve to a revised saturation point of one of the adjusted adoption curve and the adjusted adoption curve based on the user input of a specific application (Col. 63, line 1-col. 64, line 7).

Claims 5 and 21: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses wherein the adjusting step comprises increasing a slope from the

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standard adoption curve to a revised slope of an adjusted adoption curve based on the user input of a more affluent region than average for deploying the enhanced wireless communications service (Col. 31, line 25-col. 32, line 59).

Claims 6 and 22: Atkins discloses a method and a system according to claims 1 and 17 wherein the adjusting step comprises decreasing a slope from the standard adoption curve to a revised slope of an adjusted adoption curve based on the user input of a less affluent region than average for deploying the enhanced wireless communications service (Col. 33, line 23-col. 34, line 60)

Claims 7 and 23: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses wherein the adjusting step comprises lowering a saturation point from the standard adoption curve to a revised saturation point on one of the standard adoption curve and the adjusted adoption curve based on the user input of a particular application (Col. 34, line 61-col. 37, line 28).

Claims 8 and 24: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses the step of assigning a first level of security for a user with respect to the presenting step and the accepting step and assigning a second level of security higher than the first level of security with respect to the user being capable of modifying the contents of the reference database (Col. 37, line 47-col. 39, line 3)

Claims 9 and 25: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses the step of estimating revenue of the enhanced wireless communications

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service within a geographic region based on the accepted user input and the adjusted adoption curve (Col. 39, lines 4-59).

Claims 10 and 26: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses the step of estimating cost of the enhanced wireless communications service within a geographic region based on the accepted user input and the adjusted adoption curve (Col. 40, lines 17-62).

Claims 11 and 27: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses the step that comprises providing a graphical depiction selected from the group consisting of a revenue by market segment graph, a cash-flow projection graph, number of subscribers by application of the enhanced wireless service, and number of subscribers by market segment (Col. 41, line 46-col. 42, line 65).

Claim 12: Atkins discloses the method according to claim 1. Atkins also discloses wherein the financial analysis comprises a sensitivity analysis showing the sensitivity of net present value, of a business based on the enhanced wireless communications service, to a change in at least one variable factor ((Col. 32, lines 18-59).

Claim 13: Atkins discloses the method according to claim 12. Atkins also discloses wherein the at least one variable factor is selected from the group consisting of operating costs of the enhanced wireless service, investment costs of the enhanced wireless service, market uptake of the enhanced wireless service, usage rate of the enhanced wireless service, and price level for service offerings of the enhanced wireless service (Col. 31, line 55-col. 32, line 17).

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Claim 14: Atkins discloses the method according to claim 1. Atkins also discloses wherein the financial analysis comprises a bar chart of different variable factors potentially impacting net present value of a business based on the enhanced wireless communications service, the variable factors presented as horizontally extending bars along a vertical axis, a respective percentage change in the net present value for a corresponding incremental constant change in a variable factor indicated by the horizontal length of the bar from the vertical axis (Col. 33, lines 6-56).

Claim 15: Atkins discloses the method according to claim 1. Atkins also discloses wherein the financial analysis comprises a graph of average revenue per user per a measured time interval, the graph including a group of plotted lines representing said average revenue per user within different market segments versus time (Col. 33, line 57-col. 34, line 48).

Claim 16: Atkins discloses the method according to claim 15. Atkins also discloses wherein the market segments include an adult market segment, a youth market segment, a large business market segment, a medium business market segment, and small business market segment (Col. 39, line 44-col. 40, line 62).

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

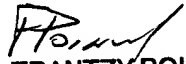
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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Pedro R. Kanof whose telephone number is (703) 308-9552. The examiner can normally be reached on weekdays from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, can be reached on (703) 308-1065. The fax phone numbers for this Group are: Customer Service (703) 872-9325, Before Final (703) 872-9326, and After Final (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

PRK-5/24/02.

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
A43628